

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:16-CV-803-D

ERIC C. BROADWAY

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

ORDER ON APPLICATION
FOR COSTS

This matter is before the clerk on the application for costs [DE-30] filed by defendant United Parcel Service, Inc. Plaintiff has failed to file a response in opposition to the application. For the reasons set forth below, the application is GRANTED in part.

BACKGROUND

On January 24, 2018, the court granted defendant's motion for summary judgment and enter judgment in favor of defendant. Defendant timely filed an application for costs [DE-30] on February 7, 2018.

DISCUSSION

Defendant seeks costs under Rule 54(d)(1) as the prevailing party in this action. See Fed. R. Civ. P. 54(d)(1) ("Unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party."). Federal courts may assess only those costs listed in 28 U.S.C. § 1920. See Arlington Cent. Sch. Bd. of Educ. v. Murphy, 548 U.S. 291, 301 (2006); Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437, 441-42 (1987), superseded on other grounds by statute, 42 U.S.C. § 1988. Local Civil Rule 54.1

“further refines the scope of recoverable costs.” Earp v. Novartis Pharmaceuticals Corp., No. 5:11-CV-680-D, 2014 WL 4105678, at *1 (E.D.N.C. Aug. 19, 2014). In this case, defendant seeks recovery of \$1,783.08 in costs from plaintiff.

Specifically, defendant seeks \$400.00 for the filing fee and administrative fee it paid to remove the action to this court, pursuant to 28 U.S.C. § 1920(1); \$1,327.20 in fees for the transcript of the deposition of plaintiff, pursuant to 28 U.S.C. § 1920(2), and \$55.88 for copies of papers necessarily obtained for use in the case, pursuant to 28 U.S.C. § 1920(4). The clerk has reviewed the application and supporting documentation, and finds that as the prevailing party, defendant is entitled to the costs of the fees associated with the removal of this action and the costs of the copies necessarily obtained for use in the case. The requests for fees in the amount of \$400.00 and \$55.88, respectively, are granted.

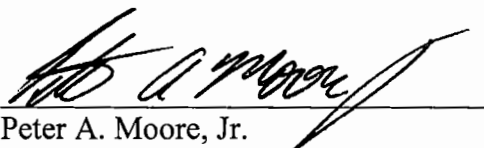
Defendant’s request for fees for the transcript of the deposition of plaintiff, however, includes fees for exhibit copies, in the amount of \$46.00. This court has construed 28 U.S.C. § 1920(2) and Local Civil Rule 54.1 as not encompassing those charges. See Dutton v. Wal-Mart Stores East, L.P., No. 4:11-CV-94-BO, 2015 WL 1643025, at *2 (E.D.N.C. March 13, 2015) (“In construing 28 U.S.C. § 1920 and Local Civil Rule 54.1, this court has also denied fees for copies of deposition exhibits, read and sign, rough drafts, litigation support packages, ASCII disks, shipping, handling and expedited processing.”); Nwaebube v. Employ’t Sec. Comm’n of N.C., No. 5:09-CV-395-F, 2012 WL 3643667, at *1 (E.D.N.C. Aug. 21, 2012) (disallowing costs of exhibit copies); Parrish v. Johnston Comty. Coll. No. 5:09-CV-22-H, slip. op. at 2-3 (E.D.N.C. Feb. 13, 2012) (observing that “Local Civil Rule 54.1(c)(1)(a) specifies that taxable costs incident to the taking of depositions normally include only the court reporter’s fee and the fee for the original

transcript of the deposition"). Accordingly, defendant's request for transcript fees is granted in part, and defendant's fees in the amount of \$1,281.20¹ is taxed pursuant to 28 U.S.C. § 1920(2).

CONCLUSION

In summary, defendant's application for costs [DE-30] is GRANTED in part. As the prevailing party, defendant United Parcel Service, Inc., is awarded (1) \$400.00 in costs pursuant to § 1920(1); (2) \$1,281.20 in costs pursuant to § 1920(2), and (3) \$55.88 in costs pursuant to § 1920(4). Total costs in the amount of \$1,737.08 are taxed against plaintiff and shall be included in the judgment.

SO ORDERED. This the 30 day of May, 2018.


Peter A. Moore, Jr.
Clerk of Court

¹ Defendant requested \$1327.20 in fees. The cost of exhibit copies was \$46.00.